

### **REMARKS**

This responds to the Office Action mailed on July 29, 2004.

By way of this amendment, claims 1-6 have been amended. New claims 29-33 have been added. No claims have been canceled. As a result, claims 1-33 are now pending in this application.

For the convenience of the Examiner, Applicant's remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

#### **Amendments to Claims 1-6**

Each of original claims 1-6 has been amended. No new matter has been introduced.

In independent claim 1, the phrase "the computing device comprising at least one scroll wheel" has been added. In addition, the phrase "wherein, in indicating, the human perceivable stimulus comprises a light emanating from a light source proximate to the at least one scroll wheel, the light source being turned on if the information is scrollable" has been added. Support for "scroll wheel" may be found, for example, in original claim 7; in the paragraph beginning on page 6, line 1; and in the paragraph beginning on page 7, line 14.

In dependent claim 2, the phrase "at least one scroll wheel comprises a vertical scroll wheel" has been substituted for "human perceivable stimulus is from the group comprising a light, a sound, and a physical movement". Support may be found in the places indicated above.

In dependent claim 3, the phrase "at least one scroll wheel comprises a horizontal scroll wheel" has been substituted for "human perceivable stimulus is from the group comprising activation of a light, a change in light intensity, a change in light color, a change in light location, a change in a light blinking pattern, activation of a legend, a change in a legend, activation of a sound, a change in a sound, activation of a physical movement, and a change in a physical movement". Support may be found in the places indicated above.

In dependent claim 4, the phrase "at least one scroll wheel comprises a vertical scroll wheel, wherein the computing device further comprises at least one horizontal scroll wheel having a light source proximate to it, and wherein the human perceivable stimulus comprises a

light emanating from one or both light sources, depending upon whether the information is scrollable vertically, horizontally, or in both directions” has been substituted for “emanating from a light source, the light source being turned on if the information is scrollable, and the light source being otherwise off”. Support may be found in the places indicated above.

In dependent claim 5, the phrase “at least one scroll wheel is built into the computing device” has been substituted for “human perceivable stimulus comprises a light emanating from a light source proximate to a scroll control element, the light source being turned on if the information is scrollable, and the light source being otherwise off”. Support may be found in the places indicated above.

In dependent claim 6, the phrase “wherein the computing device comprises at least a horizontal scroll wheel and a vertical scroll wheel” has been added; the phrase “the horizontal scroll wheel” has been substituted for “a horizontal scroll control element”; and the phrase “the vertical scroll wheel” has been substituted for “a vertical scroll control element”.

The amendments to the claims are made to satisfy Applicant’s preferences, not necessarily to satisfy any legal requirement(s) of the patent laws, and they are not intended to limit the scope of equivalents to which any claim element may be entitled.

#### **New Claims 29-33**

New claims 29-33 have been added to provide Applicant with additional protection to which Applicant is entitled. New claims 29-33 are supported by the original disclosure. No new matter has been introduced.

Claim 29 is dependent upon claim 6 and recites that the pointing device comprises a mouse. Support may be found, for example, on page 7, lines 14-18 of Applicant’s original specification.

Independent claim 30 is based upon original claims 1 and 3.

Claim 31 recites that the light source is proximate to a scroll wheel. Support may be found, for example, in original claims 6 and 7.

Claim 32 recites that the scroll wheel is an element in a mouse. Support may be found, for example, in original claim 7 and on page 7, lines 14-18 of Applicant’s original specification.

Claim 33 recites that the scroll wheel is built into the computing device. Support may be found, for example, on page 3, lines 4 and 5 of Applicant's original specification.

**Rejection of Claims 1-28 under 35 U.S.C. §102(e)**  
**as Anticipated by Xia**

Claims 1-28 were rejected under 35 U.S.C. §102(e) as being anticipated by Xia et al. (U.S. 6,252,594).

Xia discloses a system and method for aiding a user in scrolling through a document using animation, voice cues, and a dockable scroll bar (see title). To alert a user that a document is scrollable, a scroll bar may be temporarily placed in the center of a window, then moved to a particular position in the window. The scroll bar may also be docked to a different location. (See Fig. 4 and col. 4, lines 14-39).

The rule under 35 U.S.C. §102 is well settled that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP §2131.

Xia fails to disclose all of the elements recited in independent claim 1, as amended. For example, Xia fails to disclose that, in indicating, the human perceivable stimulus comprises a light emanating from a light source proximate to at least one scroll wheel, the light source being turned on if the information is scrollable.

For the above reasons, claim 1 should be found to be allowable over Xia, and Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. §102(e) as anticipated by Xia be withdrawn.

Claims 2-7 and 29, which depend from claim 1 directly or indirectly and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

Regarding independent claims 8, 14, 21, and 25, Applicant continues to assert their patentability over the art of record, including Xia. However, in the event that independent claim 1 is found to be allowable but the rejection of independent claims 8, 14, 21, and 25 is maintained, Applicant would consider making similar amendments to claims 8, 14, 21, and 25.

Regarding new independent claim 30, Xia fails to disclose a method in which the human perceivable stimulus is a change in speed in a light blinking pattern from a light source. Thus, claim 30, as well as claims 31-33 dependent therefrom, should be found to be allowable over Xia.

#### **Additional Elements and Limitations**

Applicant considers additional elements and limitations of claims 1-33 to further distinguish over the cited references, and Applicant reserves the right to present arguments to this effect at a later date.

#### **Documents Cited But Not Relied Upon For This Office Action**

Applicant need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action, because these references are not made part of the rejections in this Office Action. Applicant is expressly not admitting to this assertion and reserves the right to address the assertion should it form part of future rejections.

**Conclusion**

Applicant respectfully submits that claims 1-33 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Walter W. Nielsen (located in Phoenix, Arizona) at (602) 298-8920, or the below-signed attorney (located in Minneapolis, Minnesota) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

EDWARD O. CLAPPER

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Attorneys for Intel Corporation  
P.O. Box 2938  
Minneapolis, Minnesota 55402  
(612) 349-9592

Date Nov. 20, 2004

By Ann M. McCrackin  
Ann M. McCrackin  
Reg. No. 42,858

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of November, 2004.

Chris Hammond

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Name

Chris Hammond

Signature